

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KAMSATH BUTH,

Defendant.

Case No. CR05-5469FDB

ORDER DIRECTING DEFENDANT  
TO SUBMIT TO A PSYCHIATRIC  
EXAMINATION PURSUANT TO 18  
U.S.C. § 4241

THIS MATTER comes on before the above-entitled Court upon defendant's unopposed Motion For Competency Hearing and Psychiatric Examination.

Upon reviewing the affidavit of Colin A. Fieman, counsel for defendant, and the entirety of the records and files herein, the Court finds that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Accordingly,

IT IS HEREBY ORDERED, pursuant to Title 18 U.S.C. §§ 4241 and 4247(b), that

1 KENNETH BUTH shall be committed to the custody of the Attorney General for a period  
2 not to exceed 30 days, and shall be examined by a psychiatrist chosen by the United  
3 States who shall attempt to determine (1) if the defendant is able at present to understand  
4 the nature of the charges and proceedings against him, and (2) if the defendant is able at  
5 present to assist in the preparation of his defense.

6 IT IS FURTHER ORDERED that the defendant shall cooperate with the psychiatrist  
7 during the examination.

8 IT IS FURTHER ORDERED that pursuant to 18 U.S.C. §4247(b) and (c), a report  
9 of the examination shall be prepared by the examiner and filed with the Court, with copies  
10 provided to counsel for defendant and the attorney for the government.

11 IT IS FURTHER ORDERED, pursuant to Title 18, United States Code section  
12 3161(h)(1)(A), that the time required to determine the defendant's mental competency  
13 shall be excluded under the Speedy Trial Act; and

14 IT IS FURTHER ORDERED that pursuant to Title 18 U.S.C. §3161(h)(1)(H), the  
15 United States Marshal's Office shall transport the defendant to a suitable facility within ten  
16 days of the signing of this Order and shall return the defendant to this court within ten  
17 days of the completion of the 30-day psychiatric examination ordered herein.

18 IT IS FURTHER ORDERED that delay resulting from the transportation of the  
19 Defendant in accordance with this order is excludable pursuant to Title 18 U.S.C.  
20 §3161(h)(1)(H).

21 DATED this 22nd day of December, 2005

22 /s

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FRANKLIN D. BURGESS  
24 UNITED STATES DISTRICT JUDGE  
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